

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.V.M.P.No.4819 of 2016

In/and

W.P.No.16362 of 2016

ORDER :

W.V.M.P.No.4819 of 2016 is filed to vacate the order dt.19-05-2016 passed in W.P.No.16362 of 2016.

2. The parties will be referred to as per their array in the Writ Petition.

3. The petitioner has filed this Writ Petition challenging the order dt.05-05-2016 passed by the 4th respondent terminating the services of petitioner as Anganwadi Worker on the ground that she was aged only 20 years at the time of her appointment and had not completed 21 years as required as per the notification on 03-10-2015.

4. Learned counsel for petitioner contends that the petitioner had not been put on any notice prior to passing of this order and it is in violation of principles of natural justice. However, learned counsel for petitioner has not denied that in the SSC certificate of the petitioner, her date of birth is mentioned as 01-07-1995; though he contends that it was wrongly recorded therein and in a certificate issued by the Primary Health Centre where her birth was recorded, it was mentioned as 06-05-1994. He also stated that the Panchayat Secretary, Mudumalla had also issued a birth certificate dt.13-05-2016 mentioning her date of birth as 06-05-1994.

5. It is not the province of this Court to decide when the Writ petitioner was actually born. Normally in matters relating to employment, the date of birth as recorded in the S.S.C. certificate (10th class) is accepted as the correct one. If the date of birth recorded therein is taken into account, admittedly petitioner was under aged at the time when she was selected to the post of Anganwadi worker and appointed.

6. If the petitioner is contending that her date of birth is not 01-07-1995 and it was 06-05-1994, it is open to petitioner to approach the competent Civil Court and obtain a declaration of her accepted date of birth from the said Court.

7. As things stand, since she appears to be under aged on the date of her appointment, absence of any notice to petitioner would not make difference. Therefore, the Writ petitioner cannot be allowed to contend that there is violation of principles of natural justice.

8. I am, therefore, not inclined to continue the interim order granted on 19-05-2016 in the Writ Petition and it is accordingly vacated. W.V.M.P.No.4819 of 2016 is allowed.

9. For the aforesaid reasons, the Writ Petition is dismissed granting liberty to the petitioner to approach the competent Civil Court to obtain a suitable declaration of her date of birth and in case she succeeds in the Civil Court in establishing her date of birth is 06-05-1994, it is open to her to approach the respondents for

reconsideration of the decision contained in the impugned order. No costs.

10. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date : 04-01-2017

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